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Date: (Filing No. S-)

STATE AND LOCAL GOVERNMENT

Reproduced and distributed under the direction of the Secretary of the Senate.

**STATE OF MAINE
SENATE
130TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 167, L.D. 379, “An Act To Establish the Maine State Cemetery Commission”

Amend the bill by striking out the title and substituting the following:

'An Act To Establish the Maine State Cemetery Preservation Commission'

Amend the bill by striking out everything after the enacting clause and inserting the following:

'Sec. 1. 5 MRSA §12004-I, sub-§2-H is enacted to read:

2-H.

<u>Cemeteries</u>	<u>Maine State Cemetery Preservation</u>	<u>Not Authorized</u>	<u>13 MRSA</u>
	<u>Commission</u>		<u>§1374</u>

Sec. 2. 13 MRSA §1374 is enacted to read:

§1374. Maine State Cemetery Preservation Commission

The Maine State Cemetery Preservation Commission, referred to in this section as "the cemetery preservation commission," is established by Title 5, section 12004-I, subsection 2-H to provide advice and education regarding matters related to preserving cemeteries.

- 1. Members.** The cemetery preservation commission has the following 10 members:
 - A. Two members representing a statewide association dedicated to the preservation of neglected cemeteries, appointed by its board of directors;
 - B. Two members representing a statewide association of cemetery directors and supervisors, appointed by its board of directors;
 - C. One member representing a statewide association representing municipalities, appointed by its board of directors;
 - D. One member representing a statewide association of town clerks, appointed by its board of directors;

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1 E. One member representing a statewide association of funeral directors, appointed by
2 its board of directors;

3 F. The Director of the Maine Bureau of Veterans' Services within the Department of
4 Defense, Veterans and Emergency Management, or the director's designee;

5 G. One member representing a statewide association of real estate brokers, appointed
6 by its board of directors; and

7 H. One member representing a statewide historical society, appointed by its board of
8 directors.

9 **2. Optional member.** The tribal governments of the Aroostook Band of Micmacs, the
10 Houlton Band of Maliseet Indians, the Passamaquoddy Tribe at Motahkomikuk, the
11 Passamaquoddy Tribe at Sipayik and the Penobscot Nation may jointly appoint as a
12 member of the cemetery preservation commission an individual who is a member of a
13 federally recognized Indian nation, tribe or band in the State.

14 **3. Duties.** The cemetery preservation commission may:

15 A. Advise and educate municipalities and property owners about the existence of
16 burying grounds and cemeteries and the laws applicable to burying grounds and
17 cemeteries;

18 B. Advise and educate municipalities, property owners and owners of burying grounds
19 and cemeteries on the proper care and preservation of graves, gravestones, walls and
20 fences in and around burying grounds and cemeteries; and

21 C. Review statutes applicable to burying grounds and cemeteries and provide
22 information to the Legislature on recommended changes.

23 **4. Bureau's duties.** Notwithstanding subsection 3, the duties of the Department of
24 Defense, Veterans and Emergency Management, Maine Bureau of Veterans' Services are
25 limited to arranging for and attending cemetery preservation commission meetings and
26 must be accomplished within existing resources.

27 **5. Bylaws.** The members shall adopt bylaws within one year of the effective date of
28 this section. The bylaws must provide for the regulation and management of the affairs of
29 the cemetery preservation commission and must establish the terms of office, including
30 staggering the initial terms, the method for selecting a chair and the method for filling a
31 vacancy on the cemetery preservation commission. The bylaws may be amended at any
32 time by the affirmative vote of a majority of members.'

33 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
34 number to read consecutively.

35 **SUMMARY**

36 This amendment changes the name of the Maine State Cemetery Commission to the
37 Maine State Cemetery Preservation Commission to better reflect the focus and work of the
38 commission. The amendment adds additional members to the commission: one
39 representative of a statewide association of real estate brokers, one representative of a
40 statewide historical society and one optional member of a federally recognized Indian
41 nation, tribe or band in Maine jointly recommended by the nations, tribes or bands. The
42 amendment requires the Department of Defense, Veterans and Emergency Management,

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1 Maine Bureau of Veterans' Services to arrange for and attend commission meetings within
2 existing resources. It requires the members to establish bylaws within one year of the
3 effective date of the provisions of the bill.

4 **FISCAL NOTE REQUIRED**

5 **(See attached)**